

S/N 09/884,674

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Jim Chu et al.

Examiner: Philip Lee

Serial No.: 09/884,674

Group Art Unit: 2448

Filed: June 19, 2001

Docket: 884.441US1

Customer No. 45457

Confirmation No.: 3214

Title: SYSTEM AND METHOD FOR AUTOMATIC AND ADAPTIVE USE OF  
ACTIVE NETWORK PERFORMANCE MEASUREMENT TECHNIQUES TO  
FIND THE FASTEST SOURCE

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with 37 C.F.R. § 41.31(a)(1), Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated April 1, 2009 of the Examiner rejecting claims 1, 3-11, and 19-35 of the above-identified patent application.

A request for an extension of time to respond to the Examiner's rejection is submitted herewith along with payment of the required extension fee.

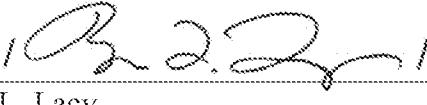
Please charge the amount of \$540.00 in payment of the Notice of Appeal fee under 37 C.F.R. § 41.20(b)(1), as well as any additional required fees, to Deposit Account No. 19-0743.

A Pre-Appeal Brief Request for Review is submitted herewith.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6954

Date 1 October 2009

By 

Rodney L. Lacy  
Reg. No. 41,136

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1st day of October, 2009.

Rodney L. Lacy  
Name

  
Signature